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SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Mag. Case Number: '07 MJ 2439
Plaintiff,	)	COMPLAINT FOR VIOLATION OF
v.	)	Title 21, U.S.C., Sections 952 and 960
	)	Importation of a Controlled Substance
Eberardo GARCIA, Defendant,	)	

The undersigned complaint being duly sworn states:

On or about October 11, 2007, within the Southern District of California, Eberardo GARCIA did knowingly and intentionally import approximately 40.50 kilograms of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12 DAY OF October, 2007.

MAGISTRATE JUDGE

TJCB

PROBABLE CAUSE STATEMENT

On October 11, 2007, at approximately 1:15 p.m., Eberardo GARCIA entered the United States from the Republic of Mexico through the San Ysidro, California, Port of Entry. GARCIA was the driver of a 1985 Ford LTD bearing California license plate 1LSB425.

United States Customs and Border Protection Officer (CBPCEO) Delgado was performing pre-primary roving operations with his assigned NDD and received a positive alert to the front passenger quarter panel of a white Ford LTD.

United States Customs and Border Protection Officer (CBPO) De Jesus was performing primary inspection duties when Eberardo GARCIA attempted to enter the U.S.. GARCIA told CBPO De Jesus that he was a U.S. Citizen, was not bringing anything back from Mexico and that he was going to see his doctor .

In the Secondary Inspection lot, CBPO Flores assumed inspection of the vehicle and noticed metal plates in the fenders. CBPO Flores noticed a package in the front tire well. CBPO Flores probed one of the packages and revealed a green leafy substance. CBPO Flores removed 22 packages which field tested positive for marijuana (40.50 kilograms)

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On October 11, 2007, at approximately 3:20 p.m., S/A Lindung along with S/A Bracamonte contacted GARCIA and advised GARCIA that marijuana had been found in his vehicle and that he was under arrest. In the presence of S/A Bracamonte S/A Lindung advised GARCIA of his constitutional rights per Miranda in the English language reading directly from a preprinted form. GARCIA stated that he understood his rights.

Eberardo GARCIA was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was booked into the Metropolitan Correctional Center, San Diego, CA.